

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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| In re: | : Chapter 11 |
| MOSDOS CHOFETZ CHAIM INC., | : Case No. 12-23616(rdd) |
| | : Post-Confirmation |
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| MOSDOS CHOFETZ CHAIM INC., RABBI MAYER ZAKS, | : |
| derivatively on behalf of MOSDOS CHOFETZ CHAIM INC., | : Adv. Pro. No. 20-08949-rdd |
| SIMA WEINTRAUB, derivatively on behalf of MOSDOS | : |
| CHOFETZ CHAIM INC., DANIEL ROSENBLUM, | : |
| derivatively on behalf of MOSDOS CHOFETZ CHAIM INC., | : |
| JOSEPH GRUNWALD, derivatively on behalf of MOSDOS | : |
| CHOFETZ CHAIM INC., and YISROEL HOCHMAN, | : |
| derivatively on behalf of MOSDOS CHOFETZ CHAIM INC., | : |
| Plaintiffs, | : |
| - against- | : |
| MOSDOS CHOFETZ CHAIM INC., CHOFETZ CHAIM | : |
| INC., TBG RADIN LLC, SHEM OLAM LLC, | : |
| CONGREGATION RADIN DEVELOPMENT INC., ARYEH | : |
| ZAKS, BEATRICE WALDMAN ZAKS, HENoch ZAKS, | : |
| MENDEL ZAKS, GITTEL ZAKS LAYOSH, SAMUEL | : |
| MARKOWITZ and STERLING NATIONAL BANK, | : |
| Defendants. | : |
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**ORDER DENYING MOTION OF AVROHOM GOTTHEIL
FOR LEAVE TO INTERVENE AS PLAINTIFF AND FOR
EXPEDITED HEARING OF MOTION**

Non-party Avrohom Gottheil (“Movant”) having moved this Court on February 19, 2021 for an order pursuant to Fed. R. Bankr. P. 7024, incorporating Fed. R. Civ. P. 24, authorizing him the intervene in the above-captioned Adversary Proceeding as an additional plaintiff on behalf of the “Congregants of Mosdos Chofetz Chaim a/k/a Kiryas Radin” (the “Intervention Motion”); and Movant having separately moved pursuant to Fed. R. Bankr. P. 9006 for an order shortening the time for consideration of the Intervention Motion (the “Expedited Hearing Motion;” with the Intervention Motion, the “Motions”); and the Court having considered the Intervention Motion

[DE-110], the February 18, 2021 Affidavit of Avrohom Gottheil [DE-111], and Movant's Memorandum of Law [DE-112], all submitted in support of the Intervention Motion; and the Court having considered the Expedited Hearing Motion [DE-118], and the Declaration of Brian K. Condon, Esq. [DE-119], both submitted in support of the Expedited Hearing Motion; and the Court having considered the February 25, 2021 Joint Objection of Defendant Mosdos Chofetz Chaim Inc. and Rabbi Aryeh Zaks [DE-122], submitted in opposition to the Intervention Motion and the Expedited Hearing Motion; and upon the record of the hearing held by the Court on both Motions on March 4, 2021 (the "Hearing"); and, after due deliberation and for the reasons stated by the Court in its bench ruling at the Hearing, with the exception of the Court's references to Lattanzio v. Comta, 481 F.3d 137 (2d Cir. 2007), the Court having determined that both Motions should be denied; now, therefore, it is hereby

ORDERED that the Expedited Hearing Motion is denied; and it is further

ORDERED that, even if the Court were to grant the Expedited Hearing Motion, the Intervention Motion is denied; and it is further

ORDERED, that the Court shall retain exclusive jurisdiction to resolve all matters relating to, or arising in connection with, the interpretation and/or implementation of this Order.

Dated: White Plains, New York
March 5, 2021

/s/Robert D. Drain

HONORABLE ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE